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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
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SEAN F. McAVOY, CLERK
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SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRET MICHAEL EMINETH and
MALESA LYNN HALE,

Defendants.

4:22-CR-6007-MKD

INDICTMENT

Vio: 18 U.S.C. § 2251(a), (e)
Conspiracy to Produce Child
Pornography
(Count 1)

18 U.S.C. § 2251(a), (e)
Production of Child Pornography
(Count 2)

18 U.S.C. § 2252A(a)(2)(A), (b)(1)
Distribution of Child Pornography
(Count 3)

18 U.S.C. § 2252A(a)(2)(A), (b)(1)
Receipt of Child Pornography
(Count 4)

18 U.S.C. § 2253
Forfeiture Allegations

The Grand Jury charges:

COUNT 1

Beginning on or about March 10, 2020, and continuing through on or about August 18, 2020, in the Eastern District of Washington, the Defendants, BRET MICHAEL EMINETH and MALESA LYNN HALE, knowingly and willfully conspired and agreed with each other to knowingly employ, use, persuade, induce, entice, and coerce Minor 1, a minor girl, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transmitted using any means and facility of interstate commerce, namely the Internet, and that such visual depictions were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of 18 U.S.C. § 2251(a), (e).

COUNT 2

Beginning on or about August 16, 2020, and continuing through on or about August 18, 2020, in the Eastern District of Washington, the Defendant, BRET MICHAEL EMINETH, did knowingly employ, use, persuade, induce, entice, and coerce Minor 1, a minor girl, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transmitted using any means and facility of interstate commerce, namely the Internet, and such visual depictions were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of 18 U.S.C. § 2251(a), (e).

COUNT 3

Beginning on or about August 16, 2020, and continuing through on or about August 18, 2020, in the Eastern District of Washington, the Defendant, BRET MICHAEL EMINETH, did knowingly distribute child pornography, as defined in 18 U.S.C. § 2256(8)(A), using a means and facility of interstate and foreign commerce, namely, the Internet, that had been mailed, shipped and transported in interstate commerce by any means, including by computer, to wit: visual depictions of Minor 1, a minor girl, engaging in sexually explicit conduct, including the lascivious exhibition of the genitals and pubic area of Minor 1, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1).

COUNT 4

Beginning on or about August 16, 2020, and continuing through on or about August 18, 2020, in the Eastern District of Washington, the Defendant, MALESA LYNN HALE, did knowingly receive child pornography, as defined in 18 U.S.C. § 2256(8)(A), using a means and facility of interstate and foreign commerce, namely, the Internet, that had been mailed, shipped and transported in interstate commerce by any means, including by computer, to wit: visual depictions of Minor 1, a minor girl, engaging in sexually explicit conduct, including the lascivious exhibition of the genitals and pubic area of Minor 1, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1).

NOTICE OF FORFEITURE ALLEGATIONS

The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures.

Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C § 2251(a), (e), or 18 U.S.C § 2252A(a)(2), (b)(1), as charged in Counts 1-4 of this Indictment, the Defendants, BRET MICHAEL EMINETH and MALESA LYNN HALE, shall each forfeit to the United States of America any visual depiction


1 described in sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 of that chapter, or
2 any book, magazine, periodical, film, videotape, or other matter which contains any
3 such visual depiction, which was produced, transported, mailed, shipped or received in
4 violation of this chapter; any property, real or personal, constituting or traceable to
5 gross profits or other proceeds obtained from such offenses; and, any property, real or
6 personal, used or intended to be used to commit or to promote the commission of such
7 offenses, or any property traceable to such property. The property to be forfeited
8 includes, but is not limited to:

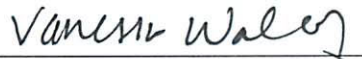
- 9 - A Samsung Galaxy S20+ 5G cellular telephone; and
- 10 - An Apple iPhone X.

11 If any of the property described above, as a result of any act or omission of
12 either Defendant:
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- 14 a. cannot be located upon the exercise of due diligence;
- 15 b. has been transferred or sold to, or deposited with, a third party;
- 16 c. has been placed beyond the jurisdiction of the Court;
- 17 d. has been substantially diminished in value; or
- 18 e. has been commingled with other property which cannot be divided
19 without difficulty,
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1 the United States of America shall be entitled to forfeiture of substitute property
2 pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).

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4 DATED this 15th day of February, 2022. 

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12 Vanessa R. Waldref
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15 David M. Herzog
16 Assistant United States Attorney